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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patel et al.

Serial No. 10/613,698

Attorney Docket No.: 03-40102-US

Filing Date: July 3, 2003

**DELIVERY SYSTEM FOR TOPICAL
MEDICATIONS**

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR §1.84(a)(2) AND (b)(2) REQUESTING
ACCEPTANCE OF COLOR PHOTOGRAPHS**

Applicant hereby petitions the Commissioner pursuant to 37 CFR §1.84(a)(2) to accept the color photographs which were filed with the above-references application and are herewith submitted.

Applicant submits that the only practical medium by which to disclose the subject matter to be patented is by color photographs. In particular, Figures 2-5 depict ultra-violet photographs of subjects after application of a composition to the face via and not via a pad. The colors depicted on the faces of subjects in the figures, as well as the relative intensity, is necessary to differentiate the areas receiving the composition. Color is an integral part of being able to illustrate the effectiveness of the invention.

Applicant also herewith submits the following:

- (1) The fee set forth in 37 CFR §1.17(h);
- (2) Three (3) sets of color photographs; and
- (3) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color photographs.

The specification is amended to incorporate the language set forth in 37 CFR §1.84(a)(2)(iv), which is concurrently submitted with this Petition in response to the Office action mailed on June 6, 2005.

Therefore, Applicant respectfully requests that the petition be granted. Should Commissioner have any questions regarding this Petition, Applicant requests the courtesy of a telephone conference.

Authorization of Deposit Account

The Commissioner is hereby authorized to charge any fees which may be required during the entire pendency of this application, or credit any overpayment, to Deposit Account No. 18-0586. This authorization also hereby includes a request to charge any fee deficiency or credit any overpayment in connection with this Petition.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

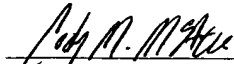
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Date of Deposit: September 28, 2005

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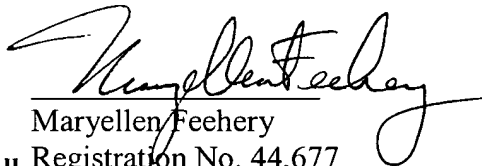
Cody M. McAtee

(Name of person mailing paper.)



(Signature of person mailing paper.)

Respectfully submitted,



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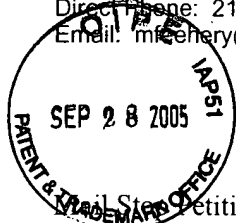
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September 28, 2005



MAIL STOP Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/613,698
Filed: July 3, 2003
For: Delivery System For Topical Medications
Attorney Docket No. 03-40102-US (848966.20129)

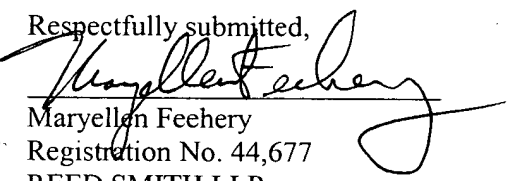
Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. Petition Under 37 CFR §1.84(a)(2) and (b)(2) Requesting Acceptance of Color Photographs;
2. Three (3) sets of color photographs;
3. A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color photographs;
4. A check in the amount of \$130.00 for the Petition fee; and
5. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account No. 18-0586.


Respectfully submitted,


Maryellen Feehery
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EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV 791165227 US

Date of Deposit September 28, 2005

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to MAIL STOP Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Name: Cody M. McAtee Signature: 

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MUNICH ♦ PRINCETON ♦ FALLS CHURCH ♦ WILMINGTON ♦ NEWARK ♦ MIDLANDS, U.K. ♦ CENTURY CITY ♦ RICHMOND ♦ LEESBURG

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